

STAND FOR JUSTICE

June 16, 2016

Via Certified Mail

Attn: Records
Garden Grove Police Department
11222 Acacia Parkway
Garden Grove, CA 92840

Re: California Public Records Act Request

Dear Public Records Coordinator:

We seek information regarding whether and how the Garden Grove Police Department has implemented the California Immigrant Victims of Crime Equity Act (SB 674), which went into effect on January 1, 2016. This new law, codified at Penal Code 679.10, governs how law enforcement agencies respond to requests for U visa certifications.

In 2000, Congress enacted the Victims of Trafficking and Violence Protection Act, which created the U Visa, a new nonimmigrant visa. As part of the U visa application, a noncitizen must provide a signed certification by a law enforcement agency or other agency authorized to provide a certification. This “certification” is commonly known by its United States Citizenship and Immigration Services form designation, “I-918B” or “Supplement B.”

Penal Code 679.10 mandates that law enforcement agencies and other certifying agencies complete and sign a U visa certification form (“Supplement B”) upon request by a victim of a qualifying crime.¹ The victim need not have helped in an active prosecution or conviction; it is enough if the victim helped, is helping, or will help in the detection and investigation of the qualifying crime.² The new law also creates a rebuttable presumption of helpfulness, if the victim has not refused or failed to provide information and assistance reasonably requested by law enforcement.³

Accordingly, I write to request the following public records⁴ pursuant to the California Public Records Act, Cal. Gov’t Code §§ 6250 *et seq.*) from the Department:

¹ Cal. Penal Code § 679.10(a) (2016).

² *Id.*

³ *Id.*

⁴ The term “record” includes any “writing” as defined in Gov’t Code § 6252(e) and (g) (“any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures,

1. Records reflecting any policy or procedure related to the implementation of the Immigrant Victims of Crime Equity Act (SB 674)/Penal Code 679.10;
2. Records reflecting any policy or procedure related to how Department employees and officers respond to requests for U visa certifications, I-918Bs, and Supplement Bs, currently in force or in force at any time since 2015, including but not limited to the Department's criteria and/or protocol for issuing U visa certifications and who may issue such a certification; and
3. Communications, reports, and any other records documenting inquiries and requests that the Department issue a U visa certification, I-918B, or Supplement B, including but not limited to any record listing or any information on: (i) the total number of requests for U visa certifications, I-918Bs, or Supplement Bs; (ii) the total number of certifications, I-918Bs, or Supplement Bs issued by the Department; (iii) the total number of denials of requests for certifications, I-918Bs, or Supplement Bs; and (iv) the length of time the Department took to respond to any such request.

I look forward to working with you to obtain these public records and to your response to this request within ten (10) days of receipt of this letter. *See* California Government Code § 6253(c). To the extent that your agency claims the right to withhold any record, or portion of any record, please describe each and every record or portion of any record that is being withheld and the claimed reason for the exemption, citing the exact language of the Public Records Act and the legal authority on which you rely. If portions of the records requested are exempt from disclosure, please provide the non-exempt portions.

If any of the records requested above are available in electronic format, please make them available in electronic format, rather than paper format, pursuant to California Government Code § 6253.9. You may email me any records available in electronic format to avoid copying costs. Because the ACLU is a nonprofit public interest organization, I request that you waive any fees.⁵ No part of the information obtained will be distributed or sold for profit. If I can provide any information that will help expedite your response, please do not hesitate to contact me at (213) 977-5234 or ktraverso@aclusocal.org.

Please send the responsive record to me, email or mail, at:

sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored"). The "records" we request include but are not limited to: internal and external correspondence (including email), memoranda, legal opinions, guidance, regulations, directives, instructions, orders, bulletins, pamphlets or brochures, handouts, evaluations, reports, summaries, logs, presentations, and training materials.

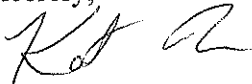
⁵ If your agency is unable to waive any fees, the ACLU will reimburse your agency for the direct costs of copying the records at issue. However, if you anticipate that these costs will exceed \$50, please notify me prior to making the copies.

Katherine Traverso
ACLU of Southern California
1313 W 8th St.
Los Angeles, CA 90017
ktraverso@aclusocal.org

If I can provide any clarification that will help identify the responsive documents, or if you have any questions regarding this request, please contact me at ktraverso@aclusocal.org or 213-977-5234.

Thank you in advance for your timely consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'K Traverso', written over a horizontal line.

Katherine Traverso
Staff Attorney
ACLU of Southern California